UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,593	10/29/2003	Brian Harold Kelley	030618	8306

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER
HASSAN, AURANGZEB

ART UNIT	PAPER NUMBER
2182	

NOTIFICATION DATE	DELIVERY MODE
08/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 April 2010*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *2-8,11-13,15,18-22,29-33 and 35-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *2-8,11-13,15,18-22,29-33 and 35-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 2 – 8, 11 – 13, 15, 18 – 22, 29 – 33, 35 and 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over Walters et al. (US Patent Number 6,914,695

hereinafter "Walters") in view of Curtiss et al. (US Publication Number 2003/0162497,

hereinafter "Curtiss") further in view of Findikli (US Patent Number 7,305,254).

3.   As per claims 29, 33, 35 and 36, Walters teaches a medium, system, method

and device comprising:

        a peripheral device (digital camera, element 11, figure 2);

        a mobile wireless communication device comprising (IBM ThinkPad, element 10,

figure 2) ;

        a computer platform (element 10, figure 2 runs Windows OS, column 2, lines 27

– 32), said computer platform comprising:

                a plurality of resident programs, each resident program respectively

        associated with a communication protocol (column 5, lines 18 – 21); and

an operating system (Windows, column 2, lines 27 – 32) for managing

resources of said mobile wireless communication devices and for controlling an

interaction of the mobile wireless communication device said peripheral device;

wherein

said peripheral device selectively communicates with said mobile wireless

communication device using a specific communication protocol (Bluetooth, column 5,

lines 18 – 21), and

upon said peripheral device communicating with said mobile wireless

communication device, said operating system identifies (device ID, figure 8) a selected

resident program associated with said specific communication protocol and links said

selected resident program with said peripheral device (column 13, lines 6 – 9), and

said operating system identifies said selected resident program by:

attempting to identify said peripheral device (figure 3) and

an identified peripheral device to a corresponds to one of said resident

programs (HTML interface, column 13, lines 13 – 52).

Although Walters has the Windows operating system that maps peripherals

based upon communication protocols resident on the host device (see note below),

Walters does not explicitly disclose *automatically* mapping the peripheral device.

Curtiss teaches a medium, system, method and device, wherein:

if a peripheral is identified, automatically mapping from said identified

peripheral device to a corresponding mobile wireless communication device interface

(paragraph [0057], or

if said peripheral is not identified, determining a communication protocol of said peripheral device wherein the determined communication protocol is used to automatically map to a corresponding mobile wireless communication device interface (paragraph [0058-0059].

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Walters with the device identification of Curtiss. One of ordinary skill would be motivated to make such modification in order to reduce engineering and manufacturing costs associated with providing communication to a peripheral post manufacture (paragraph [0013]).

Walters and Curtiss does not explicitly disclose the interface being identified as the resident program.

Findikli teaches when a peripheral device is identified, automatically mapping from said identified peripheral device to a corresponding one of said resident programs (235, figure 2 the state of the mobile device *after* step 235 is completed is a state in which the mobile phone is equipped with appropriate resident software) wherein the one or more resident programs are stored in a memory of the mobile wireless communication device prior to receiving the indication of start of the communication by the peripheral device (the state of Findikli *after* step 235, figure 2, is the starting point at which the rejection in light of the combination of references is relied upon).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Walters and Curtiss that of the resident software identification of Findikli. One of ordinary skill would be motivated to

make such modification in order to enhance the flexibility of interaction between devices (column 1, lines 36 – 46).

The Examiner notes previously cited Rathbone as extrinsic evidence to the protocol utilized by the Windows Operating System in the installation of a peripheral. The operating system first attempts to identify the peripheral and install it based upon driver/communication protocol already resident in the host device. If the protocol is not found further attempts and prompts are made to attain communication (operating system Windows XP detects cameras when first plugged in, page 296 "Scanners and cameras")

4.   As per claims 2, 11, 18, and 30, Walters teaches a system, method, device, and medium wherein, the peripheral device communicates with the mobile wireless communication device through a wired connection (cable connection, column 6, lines 32 – 43, USB Serial, column 2, lines 43 – 45).

The examiner cites two wired connectivity options taught by Walters.

5.   As per claims 3, 12, and 19, Walters teaches a system, method, and device wherein, the peripheral device communicates with the mobile wireless communication device through a wireless connection (Bluetooth, column 6, lines 32 – 47, infrared, column 2, lines 41 – 43).

The examiner cites two wireless connectivity options taught by Walters.

6.   As per claims 4, 13, 20, and 31, Walters teaches a system, method, device, and medium wherein said attempting to identify comprises the peripheral device sending a class identifier (registered camera ID, column 8, lines 16 – 19) to the operating system of the mobile wireless communication device and said successfully identified comprises the operating system determining the type of the peripheral device and selecting a resident program corresponding to a appropriate handler for that peripheral device based upon the class identifier (column 8, lines 11 – 51).

7.   As per claims 5, 21, and 32, Walters teaches a system, device, and medium wherein said attempting to identify comprises the peripheral device sending a specific identifier (ID, column 8, lines 16 – 19) to the operating system of the mobile wireless communication device and said successfully identified comprises the operating system determining the type of the peripheral device and selecting a resident program (column 8, lines 11 – 51) corresponding to an appropriate handler for that peripheral device based upon the specific identifier (column 8, lines 64 – 67, column 9, lines 1 – 23).

8.   As per claims 6, 15, and 22, Walters teaches a system, method and device wherein the peripheral uses the mobile wireless communication device as a communication portal to the Internet (column 11, lines 14 – 19).

9.   As per claim 7, Walters teaches a system wherein, the peripheral device uses

the mobile wireless communication device as a communication portal over a telephone

network (element 205, figure 4, column 9, lines 3 – 6).

10.   As per claim 8, Walters teaches a system wherein, the peripheral device

communicates with the computer platform of the mobile wireless communication device

through the communication portal of the computer platform (Bluetooth, column 5, lines

18 – 21).

11.   As per claims 37 – 40, Curtis teaches a medium, system, method and device

wherein the mobile wireless communication device is selected from the group consisting

of mobile telephones, two-way pagers, and personal digital assistants (PDAs)

(paragraph [0002]).

Response to Arguments

12.   Applicant's arguments with respect to claims 2-8, 11-13, 15, 18-22, 29-33 and

35-40 have been considered but are moot in view of the new ground(s) of rejection.

        Applicant makes arguments regarding arguments not most recently presented by

the Examiner. However assuming arguendo the Examiner notes that the teachings of

Curtis are relied upon for the determination characteristic of identifying a protocol

between two elements, the teachings of a mobile computing device and a secondary

peripheral device are taught in the combination of references. Furthermore the

Applicant argues transferring of a "resident" program and definition therein not being taught by Findikli however the Examiner notes that the state of Findikli relied upon is that of step 235, figure 2 being completed wherein a mobile device is loaded with a resident program. Any issues of transferring resident programs is not relevant because Findikli is merely relied upon for a mobile device after a step 235 is completed in which a resident program is stored as an interface. Applicant is invited to contact the Examiner to discuss claim limitations and elements in the specification which would further enhance compact prosecution and advance the status of the instant application.

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AURANGZEB HASSAN whose telephone number is (571)272-8625. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH

/Ilwoo Park/
Primary Examiner, Art Unit 2182